

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

JOHN ROBERT DEMOS,

Plaintiff,

v.

Civil Action No. 3:08CV332

UNITED STATES,

Defendant.

MEMORANDUM OPINION

John Robert Demos, a Washington state inmate, submitted this civil action. He also applied to proceed in forma pauperis. A prisoner is precluded from proceeding in forma pauperis:

[I]f the prisoner has, on 3 or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.

28 U.S.C. § 1915(g). Demos has had at least three prior actions and appeals dismissed as frivolous or for failing to state a claim. See, e.g., Demos v. U.S. Dist. Court for the E. Dist. Of Wash., 925 F.2d 1160 (9th Cir. 1991) (citing numerous cases filed by Demos that were subsequently dismissed as frivolous). Because Demos's complaint did not demonstrate that he was in imminent danger of serious physical harm, by Memorandum Order entered on June 6, 2008, the Court denied Demos's request to proceed in forma pauperis and

directed Demos to pay the full \$350.00 filing fee within eleven (11) days of the date of entry thereof.

More than eleven (11) days have elapsed since the entry of the June 6, 2008 Memorandum Order and Demos has not paid the full filing fee. Accordingly, the action will be DISMISSED WITHOUT PREJUDICE.

The Clerk of the Court is DIRECTED to send a copy of the Memorandum Opinion to Demos.

An appropriate Order shall accompany this Memorandum Opinion.

_____/s/_____
Robert E. Payne
Senior United States District Judge

Richmond, Virginia

Date: August 13, 2008